

05.10.2023
D/L 18
Ct. No.29
(Rejected)
(SKB)

CRM (A) 4063 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ratua P. S. Case No.436 of 2023 dated 31.07.2023 under Sections 449/376/325/307 of the Indian Penal Code (G.R. Case No.2352 of 2023).

In the matter of : Md. Habib Mostafa @ Habib Mostafa
... Petitioner

Mr. S. Chatterjee,
Mr. Omor Faruk Gazi,
Ms. Priyanka Pul,
Mr. Dipankar Das

... for the petitioner

Mr. Saibal Bapuli, Id. APP
Mr. Arijit Ganguly,
Mr. Avik Ghatak

... for the State

1. Liberty is given to the learned advocate for the petitioner to correct the cause title in court today.
2. Heard learned advocates for the parties.
3. In the instant case, it is the allegation against the petitioner that he committed rape upon the informant victim and when the victim raised alarm, her brother-in-law came to rescue her from the clutches of the present petitioner and at that time, the present petitioner gave a push to the brother-in-law of the victim, as a result whereof, the said brother-in-law fell from the roof and died.

4. On perusal of the entire materials in the CD, we find sufficient incriminating materials against the petitioner to attract the offence under Section 376 IPC as well as under Section 302 IPC and for which the custodial interrogation of the petitioner is necessary. Accordingly, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.
5. Accordingly, the prayer for anticipatory bail is rejected.
6. CRM(A) 4063 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)